

## Message Text

CONFIDENTIAL

PAGE 01 STATE 221621

43

ORIGIN L-03

INFO OCT-01 ARA-16 ISO-00 SCA-01 JUSE-00 SNM-02 SSO-00

RSC-01 /024 R

DRAFTED BY L/M/SCA:JABOYD:LMS

APPROVED BY L/M/SCA:KEMALMBORG

JUSTICE:PMORRIS(SUBS)

DEA:JSTRICKLER(SUBS)

S/NM:NWARNER(SUBS)

ARA:PSHANKLE(SUBS)

ARA/LA/BC:DERBE(SUBS)

----- 082256

O R 091916Z NOV 73

FM SECSTATE WASHDC

TO AMEMBASSY SANTIAGO IMMEDIATE

INFO DEA

C O N F I D E N T I A L STATE 221621

DEA FOR J STRICKLER

E.O. 11652: GDS

TAGS: PFOR, CPRS, SNAR, CI

SUBJECT: GFT: FUGITIVES

REF: SANTIAGO 5452

1. DEPT OF JUSTICE AGREES TO HIRE PRIVATE EXTRADITION ATTORNEY FOR ONLY THESE FOURTEEN PERSONS WHOSE PROVISIONAL ARREST HAS ALREADY BEEN REQUESTED IF CERTAIN CONDITIONS ARE MET. ALSO JUSTICE REQUESTS FURTHER INFORMATION. (FYI: PURSUANT TO U.S. LAW, DEPT OF JUSTICE IS ONLY DEPT AUTHORIZED TO HIRE ATTORNEY TO REPRESENT USG IN COURT OF LAW; HENCE, ATTORNEY TO BE HIRED WILL BE RETAINED BY JUSTICE.) END FYI

2. JUSTICE IS VERY CONCERNED TO RETAIN PRIVATE COUNSEL WHO HAS SUBSTANTIAL EXPERIENCE IN EXTRADITION CASES IN PARTI-  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 221621

CULAR AND CRIMINAL PROCEEDINGS IN GENERAL AND WHO HAS

CONSIDERABLE STATURE IN THE CHILEAN LEGAL COMMUNITY. JUSTICE REQUESTS THAT EMBASSY SUBMIT A LIST OF A LEAST THREE ATTORNEYS GIVING NAME, EXPERIENCE IN EXTRADITION, INDICATION OF STATURE IN LEGAL COMMUNITY, PROFESSIONAL CARD NUMBER IF AVAILABLE, AND OTHER RELEVANT INFORMATION. EMBASSY SHOULD INDICATE WHICH ATTORNEY EMBASSY PREFERENCES STATING REASONS. IF CHILEAN LAW GIVES CONDITIONS UPON WHICH ATTORNEY MAY BE HIRED BY FOREIGN GOVERNMENT, INDICATE STEPS REQUIRED TO COMPLY AND FORWARD COPY OF SUCH LAW.

3. JUSTICE PREFERENCES TO HIRE SUCH A PRIVATE ATTORNEY ON A FEE PER HOUR AND SERVICE BASIS. IF CERTAIN DOCUMENTS MUST BE REVIEWED WITH A VIEW TO A PARTICULAR HEARING, AN ESTIMATE OF A FEE PER HOUR IS DESIRED. IF A PRESENTATION AT A HEARING IS CONTEMPLATED, AN ESTIMATED FEE FOR THE PREPARATION AND PRESENTATION IS AGAIN DESIRED. IN HIS REGARD JUSTICE WOULD APPRECIATE A MORE PARTICULAR ITEMIZATION OF THE VARIOUS STAGES THROUGH WHICH EACH OF THESE EXTRADITION CASES COULD PROCEED. IT APPEARS THAT (A) THERE IS A PRELIMINARY STAGE AT WHICH THE PROSECUTING ATTORNEY REQUESTS THAT EXTRADITION BE GRANTED. SUBSEQUENTLY, (B) A HEARING IS HELD WITH APPELLATE REVIEW FOLLOWING. FINALLY, (C) THERE MAY OR MAY NOT BE A DECISION BY THE PRESIDENT OR HIGH RANKING CABINET OFFICIAL TO EXTRADITE AFTER THE COURT REVIEW PROCESS IS COMPLETED. (IN THE US THE SECRETARY OF STATE MAKES SUCH A DECISION AFTER APPEALS WHICH CAN EXTEND TO THE U.S. SUPREME COURT ARE COMPLETED.) DEPT REQUESTS THAT EMBASSY CONFIRM DEPT'S UNDERSTANDING OF THIS PROCESS AND CONSIDER THE POSSIBILITY OF STRUCTURING FEE SCHEDULE ON A PHASE-BY-PHASE BASIS.

4. JUSTICE INSISTS THAT IF AN ATTORNEY IS HIRED THE EMBASSY MUST ASSURE THAT THERE BE CLOSE SUPERVISION OF SUCH COUNSEL. ITEMIZED BILLINGS ON A MONTHLY BASIS SHOULD BE CONSIDERED. JUSTICE REQUIRES THAT APPROPRIATE MISSION OFFICER BE PRESENT AT ALL COURT HEARINGS. JUSTICE MUST HAVE WRITTEN REPORTS ON THE PROGRESS OF THE LITIGATION AND THE EVENTS OF EACH HEARING BY BOTH THE ATTORNEY AND THE ATTENDING OFFICER. LITIGATION  
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 221621

QUESTIONS INVOLVING POINTS OF POLICY MUST BE PRESENTED TO JUSTICE AT LEAST SEVERAL DAYS IF NOT A WEEK IN ADVANCE.

5. AGAIN ALL ARE CONCERNED THAT THE ATTORNEY NOT ACT IN A FASHION CONTRARY TO U.S. INTERESTS. THOUGH WE APPRECIATE THAT EMBASSY IS CONFIDENT THAT ATTORNEY HIRED WILL NOT ENGAGE IN QUESTIONABLE, LET ALONE ILLEGAL, PROFES-

SIONAL PRACTICES, JUSTICE REMAINS ESPECIALLY APPREHENSIVE ABOUT THE POSSIBILITY OF BRIBES. EMBASSY MUST TAKE ALL PRECAUTIONS IN THIS REGARD.

6. DEPT EMPHASIZES THAT THE AUTHORIZATION TO HIRE AN ATTORNEY FOR THESE FOURTEEN CASES IS AN EXCEPTION TO PREVIOUS POLICY, AND DOES NOT NECESSARILY MEAN THAT AN ATTORNEY WILL BE HIRED FOR FUTURE CASES, AND REQUESTS COOPERATION FOR SUCCESSFUL OPERATION. IF AT ANY TIME RETAINING PRIVATE COUNSEL FOR THESE CASES DOES NOT APPEAR TO BE ADVANTAGEOUS, DEPT REQUESTS ADVICE CONCERNING THE PROPER MANNER TO TERMINATE.

7. DEPT SEEKS INFORMATION ON LEGAL THEORIES UPON WHICH EXTRADITION WILL BE SOUGHT FOR NARCOTIC CRIMES WHEN SUCH ARE NOT SPECIFIED IN THE TREATY OF 1900 AND UPON WHICH EXTRADITION MAY BE GRANTED FOR NATIONALS OF CHILE. RUSH

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 09 NOV 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** garlanwa  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1973STATE221621  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** JABOYD:LMS  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** n/a  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1973/newtext/t19731143/aaaabfnb.tel  
**Line Count:** 134  
**Locator:** TEXT ON-LINE  
**Office:** ORIGIN L  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** SANTIAGO 5452  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** garlanwa  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 17 JAN 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <17-Jan-2002 by willialc>; APPROVED <06 MAR 2002 by garlanwa>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** GFT: FUGITIVES  
**TAGS:** PFOR, CPRS, SNAR, CI  
**To:** SANTIAGO  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005